

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) An absorbable screw fastener comprising:

a body portion defining a longitudinal axis and having a proximal end and a distal end, the body portion having a helical thread formed thereon, the helical thread having a first distance; and

a head portion disposed at the proximal end of the body portion, ~~the head portion having driver receiving structure formed in an outer radial surface thereof for transmitting both linear and rotational motion to the body portion,~~ the head portion having an outer diameter substantially equal to the first distance of the helical thread, the head portion having a driver receiving structure formed in an outer radial side surface of the outer diameter, the driver receiving structure being configured for receiving both a linear and a rotational force.

2. (Previously amended) The absorbable screw fastener of claim 1, wherein said body portion includes a center shaft which is tapered from a narrow distal end to a larger proximal end.

3. (Currently amended) The absorbable screw fastener of claim 1, wherein said driver receiving structure further defines a substantially flattened surface formed in the outer radial surface of the outer diameter of the head portion.

4. (Currently amended) The absorbable screw fastener of claim 3, wherein the substantially flattened surface extends to at least a portion of the outer radial surface of the outer diameter of the thread.

5. (Original) The absorbable screw fastener of claim 1, wherein the absorbable screw fastener is formed of at least one material selected from the group consisting of L1, L4, PGA, PGB, and PLA.

6. (Original) The absorbable screw fastener of claim 1, wherein said distal end of the body portion is blunt.

7. (Original) The absorbable screw fastener of claim 1, wherein the land of the thread is substantially perpendicular to the longitudinal axis.

8. (Original) The absorbable screw fastener of claim 1, wherein a distance of the thread is substantially enlarged.

9. (Original) The absorbable screw fastener of claim 1, wherein the distance of the head portion is about 3.8 mm.

10. (Original) The absorbable screw fastener of claim 1, wherein a height of the head portion is about 1.5 mm.

11. (Original) The absorbable screw fastener of claim 1, wherein a length of the body portion is about 5mm in length.

12. (Original) The absorbable screw fastener of claim 1, further including a lumen extending through an entire length thereof.

13. (Original) The absorbable screw fastener of claim 12, wherein said body portion has a circular cross section.

14. (Original) A method of inserting an absorbable screw fastener of claim 1, the method comprising the steps of tapping the target tissue with a pilot, and installing the absorbable screw fastener by applying linear and rotational force on the head portion.

15. (Currently amended) An instrument for inserting an absorbable screw fastener, the instrument comprising:

a distal portion having an elongated outer tube;

a proximal portion having a trigger mechanism; and

a driver/torque subassembly disposed within the outer tube and being movable relative to the outer tube including at least a pair of resilient force transmitting arms extending distally therefrom, wherein the arms are configured to provide at least a partial passage for a fastener therethrough, to selectively retain a head of an absorbable screw therebetween, and ~~and are~~ ~~configured~~ to transmit both an axial and a rotational force to the absorbable screw.

16. (Original) The instrument of claim 15, wherein the outer tube defines a crenellated tip.

17. (Original) The instrument of claim 15, wherein the trigger mechanism comprises a ratchet mechanism.

18. (Canceled)

19. (Original) The instrument of claim 15, wherein the outer tube is biased to a distally advanced position.

20. (Original) The instrument of claim 15, further comprising a pilot disposed within the outer tube, the pilot having a tapered surface on its distal end.

21. (Original) The instrument of claim 15, further comprising a fastener retainer dimensioned to receive fasteners.

22. (Currently amended) An absorbable screw fastener and instrument for inserting the absorbable screw fastener, comprising:

an instrument having an outer tube on a distal end and a trigger mechanism on its proximal end;

a driver/torque subassembly disposed within the outer tube, the driver/torque subassembly including at least a pair of resilient force transmitting arms extending distally therefrom; and

an absorbable screw fastener having a body portion and a head portion disposed at the proximal end of the body portion, the fastener being inserted on the distal end of the instrument, the head of the absorbable screw fastener having a driver receiving configuration

formed in ~~a radial outer surface thereof~~ an outer radial side surface of the outer diameter for selective engagement with at least the pair of resilient force transmitting arms of the drive/torque subassembly, wherein the resilient force transmitting arms allow at least a partial passage for the fastener therethrough, wherein the driver receiving configuration is configured for transmitting both linear and rotational motion to the body portion.

Claims 23 and 24 (Canceled)

25. (Currently amended) The absorbable screw fastener and instrument of claim 22, wherein the driver receiving configuration further defines a slot formed in the surface of the outer diameter of the head portion, wherein the slot of the screw fastener extends the entire length thereof.

26. (Previously amended) The absorbable screw fastener and instrument of claim 25, wherein the absorbable screw fastener is formed of a material selected from the group consisting of L1, L4, PGA, and PGB.

27. (Previously amended) The absorbable screw fastener and instrument of claim 22, wherein the distal end of the body portion defines a distal surface which is angled with respect to the longitudinal axis.

28. (Previously amended) The absorbable screw fastener and instrument of claim 27, wherein the distal surface of the distal end of the body portion is angled at about 5° to about 15° with respect to an axis which is perpendicular to the longitudinal axis.

29. (Previously amended) The absorbable screw fastener and instrument of claim 22, wherein the head portion defines a distal surface which is angled with respect to the longitudinal axis.

30. (Previously amended) The absorbable screw fastener and instrument of claim 29, wherein the distal surface of the head portion is angled at about 5° to about 15° with respect to an axis which is perpendicular to the longitudinal axis.

31. (Previously amended) The absorbable screw fastener and instrument and instrument of claim 30, wherein the distal surface of the distal end of the body portion is angled at about 5° to about 15° with respect to an axis which is perpendicular to the longitudinal axis.

32. (Previously amended) The absorbable screw fastener and instrument of claim 31, wherein each slot formed in each thread includes at least one of a radiused leading edge and a radiused trailing edge.